

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

OCEAN TOMO, LLC,

Plaintiff-Counter Defendant,

v.

JONATHAN BARNEY and
PATENTRATINGS, LLC,

Defendants-Counter Plaintiffs.

No. 12 C 8450

Judge: Joan B. Gottschall

Magistrate: Judge Mary M. Rowland

PLAINTIFF'S NOTICE OF ADDITIONAL AUTHORITY

Plaintiff Ocean Tomo, LLC ("OT"), in connection with its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 101 (the "Motion"), hereby notifies the Court of three court decisions which have issued since briefing on the Motion completed on June 8, 2015:

1. *Kimble v. Marvel Entertainment, LLC*, No. 13-720, 2015 U.S. LEXIS 4067 (U.S. June 22, 2015), in which the Supreme Court upheld its ruling in *Brulotte v. Thys Co.*, 379 U.S. 29 (1964). A true and correct copy of the *Kimble* decision is attached hereto as **Exhibit A**.

2. *OIP Technologies, Inc. v. Amazon.com, Inc.*, 2012-1696, 2015 U.S. App. LEXIS 9721 (Fed. Cir. June 11, 2015), in which the Federal Circuit applied the two-part test set forth in the Supreme Court's decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014) to affirm the district court's determination that certain patents were invalid under 35 U.S.C. § 101. A true and correct copy of the *OIP Technologies* decision is attached hereto as **Exhibit B**.

3. *Internet Patents Corp. v. Active Network, Inc.*, 2014-1048, 2015 U.S. App. LEXIS 10536 (Fed. Cir. June 23, 2015), in which the Federal Circuit applied the two-part test set forth in the Supreme Court's decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347

(2014) to affirm the district court's determination that certain patents were invalid under 35 U.S.C. § 101. A true and correct copy of the *Internet Patents* decision is attached hereto as **Exhibit C**.

WHEREFORE, OT respectfully requests the Court to accept and consider this additional authority in further support of its Motion.

Respectfully submitted,

OCEAN TOMO, LLC

By: /s/ Jeremy R. Heuer
One of Its Attorneys

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Dated: July 6, 2015

CERTIFICATE OF SERVICE

I, Jeremy R. Heuer, an attorney, hereby certify that on July 6, 2015, I caused to be electronically filed the foregoing **PLAINTIFF'S NOTICE OF ADDITIONAL AUTHORITY** with the Clerk of the Court using the Court's Case Management/Electronic Case Files (CM/ECF) system, which will send notifications of such filing to the following counsel of record:

David C. Layden

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/s/ Jeremy R. Heuer _____